FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1566 OF 2004

Office notes, office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr.S.R.Shinde, APP. for the State.

CORAM : R.S. MOHITE,J.
DATED : 09/1/2006.

P.C.

1. This is an appeal filed by the State impugning a judgment and order passed by the III Adhoc Asstt.Sessions Judge, Sangli on 17.9.2004 acquitting the accused for the offences punishable under Section 3(1)(x) and (VI of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and under Section 504, 506 and 297 of the I.P.C. On perusal of the impugned judgment and order, it indicates that acquittal is based on cogent and acceptable reasons. Firstly the incident occurred on 5.12.2003. The F.I.R. is lodged on 7.1.2004 i.e. after a period of more than one month.

The explanation given is that there was mourning period due to the death of the complainant's mother. Normally 10 days period is observed as mourning period. The complaint is made to the Collector against the accused persons. It is observed that the F.I.R. could not have been lodged when complaint could be lodged to the Collector. The record indicates that there is enmity between the parties. The court has observed that the statements of prosecution witnesses P.W.Nos. 2,3 and 4 to the effect that the accused No.1 uttered abuses have also been recorded after lapse of over a month. In the circumstances, not a fit case for interference. Hence, leave rejected. Consequently the appeal stands dismissed.

(R. S. MOHITE, J.)